

Meeting of 1999-6-29 Special Meeting

MINUTES  
SPECIAL CALLED MEETING  
LAWTON CITY COUNCIL  
JUNE 29, 1999 - 5:30 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:  
Presiding Bill Baker, City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk  
Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 5:30 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Richard Williams, Ward Two  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None

BUSINESS ITEMS:

1. Hold a public hearing and adopt resolutions declaring the structures listed herein to be dilapidated and detrimental to the health and safety of the community and authorize the expenditure of CDBG funds, if necessary, to demolish the structures :1) 804 SW 4th Street; 2) 1907 NW Andrews Avenue; 3) 208 NW Bell Avenue; 4) 910-1/2 SW D Avenue; 5) 108 and 108-1/2 NW Dearborn Avenue; 6) 1919 W Gore Boulevard; 7)1921 W Gore Boulevard; 8) 703-1/2 SW H Avenue; 9) 1108 SW J Avenue; 10) 601 SW Magnolia Avenue; 11) 1409 SW Park Avenue; 12) 316 SW Washington Avenue; 13) 806 and 806-1/2 SW 15th Street; 14) 1302 NW 21st Street. Exhibits: 14 resolutions.

1) 804 SW 4th Street

Dan Tucker, Code Administration Director, presented video of the property. He said the property was considered by Council on May 11 at Mr. Barbee's request, as he had a contract to purchase the property. Video was taken yesterday at 10:15 a.m. Tucker said Barbee asked Council to consider removing this from the condemnation list on May 11; it was on the condemnation list with a contract ready to be issued and Barbee assured the Council that he would have his mobile home on there, connected and all set and cleaned up by June 1. Tucker said Barbee requested a permit to place his mobile home on that property last week after notice had been published that it was coming before Council and nothing had been done before that time. He said Barbee delivered the deed today where he had acquired the property, the deed was dated today and showed it was registered at the courthouse with the stamps affixed.

Purcell said he thought he was told on May 11 that Barbee owned the property. Tucker said he had a copy of the minutes, and as he read them the response was that there was a contract to purchase it and that Barbee's son was set up to make payments. Purcell asked if the minutes show Barbee was going to set up his mobile home no later than June 1 and have it properly connected and some discussion about a driveway. Tucker said Barbee had asked Council to provide guidance to allow connection of electric service to the lot prior to putting in the driveway, and a way was found to do that but no application was made for the permit until later. Purcell asked if there is a mobile home on the lot now and Tucker said no.

Devine said he went by on the way in to check on it and considerable clean up work had been done since yesterday, and there was no mobile home there, but it had been cleaned up some. Tucker said when Barbee came in this morning he brought pictures showing that clean up work.

Beller asked Tucker if he had a problem with Council giving an extended period of time and if there was a time frame set at the beginning as to the completion. Tucker asked if Beller was referring to when Barbee came in during May, or last

year when it started with Mr. Swallow, who owned the property at that time. Tucker said it was condemned last year and when Barbee came in, he was given time to get a permit, and built into that would be the automatic 180 days to prepare it, if Barbee would have obtained the permit. Beller asked if it was still within the 180 days. Tucker said no, because Barbee never obtained a permit. Beller said he thought Tucker said that Barbee came in today. Tucker said Barbee came in last week after having it posted. Beller said Barbee did come in to get the permit. Tucker said that was what Barbee said he was there for, yes, and that he (Tucker) did not direct that a permit be issued until after this hearing was held. Beller asked why Tucker would do that if Barbee came in to get his permit. Tucker said because the permit is valid for 180 days so we could be doing this every 180 days and it remains a blight in the neighborhood; if Council wishes to give more time, that is possible.

Beller said Barbee came in before the hearing and asked to get the permit, and asked if he should be able to get the permit then or if it was in Tucker's discretion as to whether or not people can receive permits. Tucker said it is at his discretion, and one of the components of that was that Barbee had to be the owner and bring the title to the land in order to put a mobile home on it, and that did not happen until today.

Purcell said when someone asks for more time and they are given four or six months to come in and do whatever it is they want to do, and we have had this numerous times in the past, and they wait 175 days to come in and get that permit, that means the land may sit there as it is for another 180 days before we can do anything about it. He asked if that was correct. Tucker said yes. Purcell said he was tired of never getting things cleaned up because people keep playing this game and either we are going to get rid of the blight or not, and if not, it is a waste of time again tonight.

Vincent said under the new procedure adopted early this year, unless Council revokes the resolution prior to 15 days after passage, it cannot be revoked after that. He said if a resolution is adopted tonight, the owner has 15 days to get a permit to demolish and if they want reconsideration from the Council it has to be within that 15 day period because at the end of that 15 day period, the City is authorized to tear it down. Purcell asked if the procedure to allow 15 days to obtain a permit to demolish or 15 days to obtain a permit to renovate was changed to only allow 15 days to obtain a permit to demolish. Vincent said yes, once Tucker has posted it that it does not meet the requirements for 50% repair costs, the only option is for the person to come in and get a permit to remodel before it goes to Council because once it comes to Council, the option is either not to condemn it or to demolish it.

Beller said he still had a question about the 180 days because the Council discussed this in May and only 30 to 60 days at the most had gone by. Tucker said when they met in May, Barbee's request was to remove it from the condemnation list and just have it out there as a property that he could acquire; there were no times put upon him by Council and the time was stated by Barbee that he would have it done by the first and we had no contact with him concerning a permit until after this hearing was scheduled and the property posted and notified Mr. Swallow, who was the owner at that time, and then Barbee came in and requested a permit, saying he had a contract and then today he brought in the deed. Tucker said it is normal procedure that once it is posted for hearing by Council, we do not keep issuing permits because we can do that every time and we have had that happen where every time it is to come before Council, they want a six month permit and then fail to do anything with it.

Mayor Powell asked if Tucker had a consummated deed now and Tucker said yes.

PUBLIC HEARING OPENED.

Eddie Barbee, 2405 Jefferson, said that Tucker said he posted the property but that he (Barbee) did not know when it was posted and that it was not posted on that property and that he knew nothing about it coming before Council until Friday morning when Beller came down there and told him that it had been set back on the Council agenda. Barbee said he went to Code Administration on Tuesday to apply for the demolition permit when he got a tractor loose. He said he did not apply for the trailer permit because he did not have the deed in his name where he could obtain it until today. Barbee said the man whose name the property is in, Mr. Burke, did not receive a notice of this coming before City Council; he (Burke) received a letter about 15 days ago giving 15 days or 10 days to get the junk and debris off the property and that is the only notice that anyone he knew of had received. Barbee said he had never received notice and that he had been in Tucker's office today and that this evening Tucker told him it was going before Council and that was the first he had been told here. Barbee said on Tuesday he applied for the permit and was in Wednesday and the girl that handles it was not in, and the one that was there sent him to Dennis and said Dennis had to sign it and Dennis was not in so they said to wait until the other girl gets back tomorrow, so he went in the next day and the girl had not looked at it so he went back in on Monday and was told he had to talk to Dan and Steve but they were both gone and would not be back until Tuesday.

Barbee said on Friday he went ahead and tore down the concrete part of the building and had everything else down that could be done by hand, and loaded it up and finished it this morning. He said he had concrete block laying around the perimeter and needed to know whether he could leave them there until he got his trailer in because they are part of the porch and skirting around the trailer. Barbee said he needed to cap the extra sewers and that he had been told he had to cap the sewers when he got the permit to demolish it, and have it inspected before he could get the permit. He said if he caps the sewers on a concrete floor when he has a tractor in there tearing walls down, he would tear the caps loose. Barbee said his statement when he was here before was that if he could get electricity, he could probably have his trailer in there by the first but what they wanted him to change on the building would have cost between \$500 to \$1,000 for a 200 amp three-phase breaker but in the meantime, he came up with one off of a building at 11th and Lee that he can put in there. He said he needed to straighten the lumber up, the back wall is down and he needed to straighten the blocks up.

Beller said Barbee knew his track record and that some of the members were certainly ready to bring his feet to the fire. He asked when was the quickest this could be accomplished if Council would agree to it tonight. Barbee said he could have the electricity done within two weeks, and the sewer and ready to pull it on there, but he had three inches of water sitting under the trailer right now due to the rains and it had been that way and he could not get the trailer out. Beller said it was not a pretty sight on the video to see everything still left there and it did not seem that a real good faith effort had been made, and that Shanklin made the comment at the last meeting to not let us down this time. Beller said he would ask Council to give Barbee one more chance, although some felt enough chances had been given and that Barbee had four or five strikes. Barbee said he finally got the deed this morning and he could now file for the trailer permit, that he needed a demolition permit and also a remodeling permit.

Beller asked if everything could be done in 90 days if Council would agree to that. Barbee said yes and that he wanted out of where he was at. Beller said he felt a little under the gun asking Council to grant 90 more days because he knew it was a real concern. Barbee said he would like 30 days to be safe and that he did not want 90 days. Beller said he was talking about to have the whole thing finished. Barbee asked if he meant having the trailer in there and having it hooked up. Beller said yes and having a decent looking corner and not what is shown on the video. Barbee said yes, 30 days is all he wanted. Shanklin said Barbee would have six months if he was given a permit and that he did not think Council could make that time lesser. Vincent agreed and said the code provides that once a remodel permit has been issued, and that he was only speaking of the remodel permit, the person has 180 days to complete the project.

Purcell said Council has a resolution to demolish the building that is there, and it seems to be a separate issue to have a renovation permit to bring in the trailer and set it up. He asked what was wrong with passing the resolution tonight to give Barbee 15 days to get a demolition permit to demolish what is there period, and that does not preclude him from getting a building permit or whatever is needed that gives 180 days to put the trailer there. Purcell said he needed to get rid of the junk that is there and that Barbee is not planning to leave up the building that is there. Barbee said the building is down. Purcell said he was referring to all of the trash that is associated with the building. Barbee said he had the blocks there that will go in with his trailer and that he would move them if he had to, and that there was some lumber sticking up against the back. Purcell said he was not worried about the blocks, and this states to get rid of all of the trash.

Tucker said Barbee wishes to leave the garage there, and it is structurally sound and it would triple his cost to establish electrical service to the mobile home if they take it off of the existing building and go to an individual pole. Purcell asked if everything else could be demolished except the garage and slab. Tucker said it could be tabled for 30 days. Warren asked if this could be passed, and Barbee demolish what is required and have it hauled off. Tucker said yes, it could be passed and 30 days given to accomplish the demolition because that is separate from the mobile home permit. Vincent said once we issue a demolition permit for a structure on a property, it would include the slab that Barbee wanted to keep to set the trailer on and it would include the garage that Barbee wants to keep, so passing the resolution requiring Barbee to get a demolition permit would defeat the purpose that Barbee is trying to accomplish which is to use the existing garage which Tucker says is sound and would also cause Barbee to remove the existing concrete slab, which is in good shape and would require that he pour another slab for the trailer. Purcell asked if the resolution can be passed saying the concrete slab and garage can stay and the rest of the debris and structure would be removed. Vincent said the resolution should be amended to accomplish, or give staff direction on what the resolution should say and then approve the resolution as it is amended on the floor and staff would re-draft it and send it for signature if it is passed.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Devine, to approve Resolution No. 99-77 with the changes being incorporated saying the only thing that has to be demolished are the buildings, excluding the slab and the garage, and everything else has to be demolished and Barbee has 15 days to get the permit and four weeks to complete the demolition.

Shanklin asked if he had to remove the blocks and Purcell said that was not the intent of his motion.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-77

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Woods Addition, Block 26, Lots 15 & 16, Comanche County

Title Holders: Milton Burke; Mortgage Holders: Rayl Finance Company

2) 1907 NW Andrews (Legal Description: Lawton Heights Addition, Block 69 part of Lots 26-27 being W 50' of E 200' of Lot 4, Comanche County. Title Holders: Jimmie Lynn Plezia; Mortgage Holders: American National Bank and Allied Group Mortgage.)

Tucker said he received a letter in the mail today from Mr. Denning, who is the new owner of the property requesting the property be tabled until July 13. Mr. Denning recently acquired the property at a Sheriff's sale and he works for the government and is out of town this week.

MOVED by Shanklin, SECOND by Haywood, to table this until July 13.

Williams asked when a property is on the condemnation list and it then sells, do the owners know it is being condemned by

the City. Vincent said we file a notice of condemnation but it depends on when the sale takes place and when the research of the County records is done. Vincent said if this was three months ago, they should be on proper notice. Williams asked what would happen on July 13. Tucker said they would bring the video and a description of the property and Denning will be able to attend. Williams asked if it was open in the back and Tucker said he did not recall. Tucker said the City has secured it previously and Denning is aware of that.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: Williams. MOTION CARRIED.

3) 208 NW Bell Avenue

Tucker presented video of the property and stated a letter was sent in August 1997 asking to get in to inspect the property and advising the owner that it needed to be fixed. The main structure is secure, the garage is unsecured, it is a vacant, wood frame structure that has been vacant approximately nine years. He said the property is located in an area that has the potential to be designated as a historical area and if it were to be condemned, a source of funding would have to be identified other than CDBG funding because it has been identified by the State as being in an area with potential historical significance.

Shanklin asked if it has potential historical value, does someone other than the owner have to pay. Tucker said it does not have to be declared historical or a landmark, but if it is in an area that has the potential to have historical buildings in it, then CDBG funds cannot be used to remove the property and costs would have to be paid from a different funding source.

Williams asked how the historical aspect was handled previously. Tucker said each time a condemnation is processed, a letter is sent to the State Historical Society asking them to advise as to the status in a historical respect, and they provide that information and the City has the option of appealing their response to Washington, D.C. to see if they could grant an exception. Tucker said the letter from the Historical Society states it may be an area that could have potential historical value, and this has come up on some other properties in Old Town North and in those cases, funds were identified other than CDBG. Shanklin said 208 Bell is not in Old Town North, and that Old Town North is from the west side of 4th Street to the east side of 11th with Ferris on the north.

Purcell said the house appeared to be one of those which former Council member Cookie Green had toured with staff and others. Tucker said that was the case and it was toured in July 1997. Purcell said it is still standing and Tucker said yes. Shanklin asked if contact had been received from the owners and Tucker said no.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to pass Resolution No. 99-78 to demolish 208 Bell Avenue. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-78

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: North Addition, Block 47, Lot 4, Comanche County. Title Holders: Reve Lucille Gill; Mortgage Holders: None.

4) 910-1/2 SW D Avenue (Legal Description: Lawton Original Addition, Block 54, Lot 5, Comanche County. Title Holders: Geldina R. Lazarte; Mortgage Holders: Security Bank & Trust and Jason L. and Margo Lubbers.)

Tucker presented video of the property. He said this is a two-story structure that is accessed from the alley between D and E Avenues. On November 18, 1997, there was a fire in the structure and the downstairs portion was badly damaged and some damage was done upstairs. The property has been boarded up and nothing done with it, and the sides are deteriorating and it is a danger to the area.

Shanklin asked if there had been contact with the owner or mortgage holder. Tucker said yes, Mr. Herzig has control over it, although he did not know if Mr. Herzig was the owner. Shanklin asked what the conversation was and Tucker said Herzig wanted to leave it boarded up. Mayor Powell asked if Mr. Herzig represented the owner and Tucker said he did not know, although they met Mr. Herzig the night of the fire and the day after and that Herzig initially boarded it up to preserve the scene for the Fire Marshall's office but did not know his intention for the property.

PUBLIC HEARING OPENED.

Henry Herzig, 1102 SE Flower Mound Road, said this is family property owned by his daughter and that he controlled it. He said the property was involved in an explosion and it is currently still in litigation; there is evidence in the building that he was told not to remove, such as the stoves and appliances. He said the case was previously postponed by the judge due to a heavy criminal load and it is on the agenda for August 30 to be resolved but that he had been told not to take anything out of the property or remove it by the attorneys. Herzig said they had to enter the property a month ago to see where the stove was made and that they are still investigating it, and that he had not done anything for those reasons.

Williams asked if the Lawton Fire Marshall was doing the investigation. Herzig said it had been investigated by the Fire Marshall. Tucker said the Fire Marshall's office did the initial investigation and the investigation being conducted now is

between the property owner and the person who was injured in the fire; the arson investigation had been completed.

Mayor Powell asked if a hearing was scheduled before a judge. Herzig said it would go to court on August 30.

Devine asked Herzig's intentions with the property once that portion is settled. Herzig said he would like to remodel it and that Tucker told him at the time of the fire that the building was still structurally sound and it could be remodeled, but that he had been told not to move anything out of it so he was in a difficult situation and needed more time to get it taken care of.

Shanklin asked what would be resolved on August 30. Herzig said it will be a trial, and that it had been postponed several times. Shanklin asked what kind of trial it would be. Herzig said they were being sued by the person who was burned in the explosion, and that the person was also suing ARKLA Gas. Vincent asked for the names of the attorneys involved in the case and Herzig said he did not know. Vincent suggested tabling this until July 27 and allow him to check with the attorneys to find out the status.

MOVED by Shanklin, SECOND by Smith, to postpone this until July 27. (amended below)

Discussion was held on an appropriate date to reconsider the item. Warren suggested the resolution be passed and allow the attorneys to remove what they need to or let a judge tell the City not to tear it down because if Council knowingly allows the building to remain and someone goes in there after a week and gets hurt, that could be against the City. He said he would much rather have a judge tell the City not to tear it down than to wait longer, and if it is important to the case, the City can be prevented from tearing it down. Mayor Powell said he hoped the Council would understand the gentleman's concern because the City is telling him to tear it down and the attorneys are telling him he cannot, and that Tucker had told him it could be renovated because it was structurally sound.

Tucker said the building can be made habitable but the repairs will exceed 50% of the value of the building; the improvement on the land is valued at \$12,700. Repairs would consist of replacing two front doors, the sheet rock where it was torn out, the fire and smoke damage, the joists could be repaired, but the cost would exceed 50% and renovation estimate at minimum would be \$33,000 to bring the structure back to a habitable, up to code, condition. Shanklin suggested that was a high estimate. Beller asked if the assessed value from the Assessor's Office is the source of the value and Tucker said yes. Beller said the assessed value is not the fair market value for property. Shanklin said sometimes the assessed value is 30% more than the market value. Beller said he thought the assessed value was usually lower than the fair market value of property.

Beller said he hoped the task force would look at this because the resolution states if the repairs are unreasonable, exceeding 50%, and by whose values is that set. He asked if we had someone going in who knew the exact cost or if it was a ballpark figure or a guess. Beller said if we tell someone they cannot fix up their own property, even if it costs 60% and the owner wants to remodel it and it may be valuable property that has been in the family for years and they want to remodel it, but the City tells them they cannot. He said according to this, Mr. Herzig could not make the repairs because it must be demolished and removed because Code Enforcement had determined that it was too expensive. Beller said he felt Mr. Herzig should be able to make that decision if it is too expensive.

Williams said this did not happen overnight and we have been working on this for a while, as is the case with most of the properties tonight, so when they finally come before Council, there has been ample opportunity to make the needed repairs on their own. He asked if City staff had worked with the owners on this property. Tucker said there was a fire in November 1997 in this structure and the downstairs occupant was fairly badly injured and since that fire, the building has not been habitable and it was an unsafe condition.

Shanklin said he wanted to amend the motion that this be brought back on July 27, at the City Attorney's discretion as to what he finds out from the participating attorneys, then the City Attorney can provide advice at that time. Purcell seconded the amended motion.

VOTE ON MOTION AS AMENDED: AYE: Shanklin, Haywood, Warren, Smith, Devine, Purcell. NAY: Beller, Williams. MOTION CARRIED.

5) 108 and 108-1/2 NW Dearborn Avenue (Legal Description: North Addition, Block 24, Lot 4, Comanche County. Title Holders: Clinton W. and Phyllis Cobb, Sr.; Mortgage Holders: H & N Enterprise Mtg.)

Tucker presented video of the main structure at 108, followed by video of 108-1/2 NW Dearborn. He said extensive work had been done; a fire occurred in June 1998 and the work has been done without benefit of permit; the property is open. No request has been received for a remodel permit. Smith said Council received a letter from Paul Packert about his purchasing the property. Tucker said he had not seen the letter. Haywood said he received the letter and that the owner is in New York; the owner had a person living in one of his rent houses in Pioneer Park and that person was to do this remodeling work but the person did not have a contractor's license and moved out after the owner received this letter. Haywood said the owner thought the structure was being remodeled and it was not.

Shanklin said the owner requested six months in his letter and if Council passes the resolution, the owner can get a permit within 15 days and he would then have six months to make the repairs. Purcell said the resolution states that either the owner demolishes it or the City demolishes, and that he did not understand how all of the work could have been done

without permit. Purcell said the resolution does not provide the option to repair the structure. Shanklin said he had never wanted to tear down anyone's property if it was boarded up or attempts were made to repair it, and that he had never understood the criteria to get on this list because he had about 25 structures that he would like to see considered but that he could not get them there.

Shanklin asked if the same person had been the owner all along. Haywood said no, he purchased it perhaps a year ago, and that Everett Hill of Comanche Real Estate is to get the permit within the next two weeks to remodel it.

Warren asked the zoning of the property. Tucker said he thought it was R-1 or R-2. Warren asked if a residency training product research and marketing site was an applicable use in that zone. Tucker said home occupations allow persons to work out of their house under certain conditions, although he did not know about this residence.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

Shanklin asked if Haywood had talked to the owner. Haywood said yes, three times, and that he had explained this to him, and had begged that more time be given.

MOVED by Shanklin, SECOND by Haywood, that this be tabled and give Packert two weeks to come before Mr. Tucker with his intent.

Mayor Powell suggested it be returned July 27. Shanklin agreed and said within that time frame, Mr. Packert would have to contact Mr. Tucker with his intent, and that if he does not do so, Council can take action at that time.

VOTE ON MOTION: AYE: Beller, Haywood, Smith, Devine, Shanklin. NAY: Warren, Williams, Purcell. MOTION CARRIED.

6) 1919 W Gore Boulevard (Legal Description: Lee Addition, Block 5, Lot 19, Comanche County. Title Holders: Bob L. Mansell; Mortgage Holder: None.)

Tucker presented a video of the property. He said a complaint was received on September 23, 1997; a fire took place on October 1997 and the property owner did secure the structure following the fire and it remained secured until February 1999. The property was found unsecured on February 4, 1999, and when the owner was contacted, he did secure the property. It is vacant and unsecured at this time and has been vacant for approximately ten years according to old phone books and utility records.

Williams asked if the property has been kept up as far as mowing the grass. Tucker said yes.

PUBLIC HEARING OPENED.

Bob Schacher, attorney representing Mr. Mansell, said he felt there may have been a lack of communication with respect to the two properties being considered tonight, 1919 and 1921 W Gore Boulevard. He suggested the properties could be discussed together if Council desired. Mayor Powell asked that the video of 1921 W Gore be presented at this time, which was done.

7) 1921 W Gore Boulevard (Legal Description: Lee Addition, Block 5, Lot 18, Comanche County. Title Holders: Bob L. Mansell; Mortgage Holder: None.)

Tucker presented video of 1921 W Gore and stated the complaint on this property was received at the same time as the complaint about 1919 W Gore. He said the structure has been secured and that he did not see any unsecured openings on the video, although the notes from the field inspector indicated it was not secured.

PUBLIC HEARING OPENED. Mayor Powell stated the hearing would be for both 1919 and 1921 W Gore Boulevard at this time.

Bob Schacher said he was informed that the first notice Mr. Mansell received concerning these two properties were notices to demolish the properties, and if there was a letter in February 1997, Mr. Mansell is not familiar with it. He said subsequent to receiving the notice to condemn and demolish the properties, Mr. Mansell received a notice that he needed to secure them. Schacher said the lack of communication is evident because Tucker said that every time Mansell had been contacted about the properties that he went out and did as he was told to do. He said the properties appeared to be secured, and they are mowed, although the back yard is high as a tractor is stuck in the back yard, but other than that, every time Mansell had been contacted, he had done what he had been asked to do. Schacher said Mansell is requesting that the properties be left alone and that if he needed to do anything to them, he would be glad to do so. He said that Mr. Mansell if present if there are further questions.

Devine asked Mansell's intentions regarding these properties. Bob Mansell said he had requested Johnny Owens work on the property, along with another one next door, with the possibility that it could be rezoned as it is no longer suited for residential use and should be commercial. Mansell said very few people want to rent this for residential use. Devine asked if Mansell had any intention to use this as residential property and Mansell said that would be his last choice.

Beller said the resolution states that the structure should not be repaired but must be demolished and removed, and asked

how to resolve that. Vincent said if Council did not feel the properties should be condemned, the resolution should not be passed. Vincent said the Code mirrors State law. Beller asked if securing is a viable option. Vincent said a notice was mailed June 23 requesting it be secured and an appeal can be filed within ten days of that notice. Beller asked if Mansell had to secure the property to the satisfaction of Code Enforcement if the resolution to demolish is not approved. Vincent said yes.

PUBLIC HEARING ON 1919 AND 1921 W GORE BLVD. CLOSED.

Mayor Powell said action is needed separately on the two properties.

Shanklin said the properties are located in Ward 5 and were secured when he visited them.

MOVED by Shanklin, SECOND by Haywood, to deny the resolution on 1919 W Gore.

Smith said he drove by and also found that both of the structures were secured.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

MOVED by Shanklin, SECOND by Haywood, to deny the resolution on 1921 W Gore. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Purcell said out of seven properties, Council has agreed to demolish one. He said he did not know how many meetings Council has held like this and asked why these kept coming back when 95% are not demolished.

8) 703-1/2 SW H Avenue (Legal Description: Woods Addition, Block 15, Lots 29 and 30, Comanche County. Title Holders: George and Marguerite Forducey; Mortgage Holders: None.)

Tucker said the administrator of the estate, Dale Forducey, contacted him today and asked if this could be tabled until July 13 so he could attend. He said Forducey's stated intention was to remove the property and asked him to speak in his behalf to request it be tabled.

MOVED by Shanklin, SECOND by Devine, to table 703-1/2 H to July 13. AYE: Smith, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: Williams. MOTION CARRIED.

9) 1108 SW J Avenue

Tucker presented video of the property stating it is a dilapidated, wood frame structure that is unsecured. A complaint was received in November 1997. Property was secured. A fire occurred on March 9, 1999.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shanklin, to accept Resolution No. 99-79 and authorize expenditure of CDBG funds to demolish the structure. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: Williams. MOTION CARRIED.

(Title only) Resolution No. 99-79

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Waldman Addition, Block 25, Lot 2, Comanche County. Title Holders: Clint C. Hopkins Estate; Mortgage Holders: None.

10) 601 SW Magnolia Avenue (Legal Description: Capitol Hill Addition, Block 16 S/2, Comanche County. Title Holders: Mary C. Bartholomew; Mortgage Holders: None.)

Tucker presented video of the property showing cinder block structures that were previously used as horse stables and a dilapidated shed; structures are obviously unsecured. He said a complaint was received in February 1998 on the property, and there was a fire on the property on June 15, 1998. Properties remain unsecured. Tucker said a person had recently acquired the property and had been in to talk about it, and he is present tonight.

Williams asked where this is located. Tucker said it is roughly behind Surplus City on the southwest corner of 6th Street at Magnolia in an open field; it is zoned R-1 but has never been developed.

PUBLIC HEARING OPENED.

Gary Butler, 1816 NW 80th Street, said he acquired the property on February 9 and deed was filed February 19, 1999 at the courthouse. He said the previous owner notified him today that he received a registered letter about the property and that he had no knowledge of this before that time. He said he did not know it was being considered for condemnation when he purchased it and had he known, he probably would not have purchased it. Butler said he was considering using the

structures for garages or mini-storage.

Haywood said this is in Ward 7 and the grass has not been cut. Butler said he was aware that the grass needed to be cut and that it had been cut but there had been a lot of rain. Haywood asked how many acres were in the tract and Butler said three and a half acres. Haywood said he had been receiving complaints on the tall grass. Butler said there is an open field across the street and the area is basically agricultural. Haywood said Ranch Oaks is part of that area and there are problems with snakes and rats due to the surrounding vacant land.

Butler said he did not think the property should be condemned and that he should be given time to do something with the property. He said the resolution provides for 15 days and that you cannot do anything in 15 days without paying a lot of money. Mayor Powell said that is for the initial procedure and that more time than that is involved. Shanklin said the 15 days is to get the permit. Butler said if it is condemned, it will have to be torn down. Shanklin said the resolution could be amended where he would have two weeks to come in and declare his intention as to how he would remodel it and staff would explain the procedure, and if a remodel permit is issued, the person has six months. Butler said he could secure the buildings if that was the concern and Shanklin said one structure is missing a wall. Butler said he did not want to make the structures into residences and that the buildings are sound. Shanklin said if it is R-1, it cannot be used for stables. Butler said he knew it could not be used for stables. Shanklin said R-1 is for residences and any other use would require rezoning. Butler said R-1 is the most restrictive residential zone and the area was only annexed three or four years ago. Tucker said to his knowledge that property had been in the City limits for the 15 years he had been working for the City, although there was an annexation to the south of Magnolia in the area of Big Bob's, although annexations may not have been done in square blocks so he was not absolutely certain.

Devine asked if the process starts all over again after someone purchases property, as far as the notices. Vincent said once the notice of condemnation has been posted and a hearing date set, if there is a subsequent purchase, the condemnation proceeds and does not start over, and you cannot continually transfer property to get out of a condemnation process. Warren said that is the reason you have a title search. Butler said this is not filed at the courthouse.

Purcell said this goes back to February 1998 and asked if anything was filed between February 1998 and when this person bought it in February 1999 saying this is in the process of being condemned or that it is dilapidated. Tucker said the owner was notified that it was being considered. Tucker said the research was done in February as to the owner but the Treasurer's records are used and they do not always reflect a recent transaction. Purcell said a change in law may be needed because you have a condemnation in process and an unsuspecting buyer purchases the property and is stuck with what is left; there are other cases where they sit there for 175 days, knowing action has to be taken, and then sell it to the next unsuspecting person and the cycle is repeated. Purcell said state law or city ordinances need to be changed to stop that behavior.

Mayor Powell said Mr. Butler had no knowledge of this before being notified by the prior owner and that additional time for him to do something seemed to be in order.

PUBLIC HEARING CLOSED.

Smith asked if staff checks the records in the County Treasurer's Office to process these. Tucker said yes, the statute requires staff to go to the County Treasurer's records and notify the person who is currently listed for the taxes, at the same time, however, we check with the County Assessor's Office and also the County Clerk's Office in the transaction records to see if there have been any transactions related to the property. Tucker said we did this in February and it may or may not have been processed at the time the records were checked.

Haywood asked what options were available to Council. Vincent said it could be tabled for 30, 60 or 90 days to allow the owner to make some decisions and visit with Code Administration.

MOVED by Purcell, SECOND by Devine, to table this item until July 27. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

11) 1409 SW Park Avenue

Tucker presented video and stated this is a dilapidated mobile home, which is not permitted for a mobile home space and it is open and unsecured. There has been considerable damage to the structure and it is not tied down. It presents a hazard to the community.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Smith, to accept Resolution No. 99-80 authorizing funds coming from CDBG. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-80

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Waldman Addition, Block 28, Lot 12, Comanche County. Title Holders: Hazel A. Carter; Mortgage Holders: Yoram Arbel.



12) 316 SW Washington Avenue

Tucker presented video of the property and stated there are two, wood frame structures on the property. A complaint was first received in January 1998 and a letter was mailed to the owner outlining the repairs that were needed. In April 1998 there was a fire in the building, set by persons unknown, there were no utilities on at that time. The structures are vacant; there are two structures on one lot although it was addressed as 316 and 316 SW Washington and the request is for condemnation of both structures.

Warren said this was initiated in January 1998 and asked what had happened between then and now. He said it has been a year and a half and it is just now being brought forward. Warren asked why it took so long for these to be brought forward, and a follow up question is what has happened to those that Council actually did vote to demolish. He said Council voted a month or two ago to demolish a burned out house on Euclid, and it is still standing, and a year ago, Council voted to demolish a house on B Avenue, which is leaning badly, and it is still standing. Warren said we seem to be spinning our wheels, and the first question is what happened during that year and a half.

Baker said he had heard a year and a half or two years on several of the items tonight and that he would get with the Code Administration Director and look at the process because it is amazing that it takes this long and that he did not know the reason for that. He said he would attempt to get the process speeded up because it is unacceptable to take two years on one property, although sometimes it may be beyond our control due to legal issues. Baker said he was also concerned and would look into this.

Purcell said some of this may not be staff's fault because Council has seen some of these before, such as the one that was tied up in litigation, and he understood that one, but there are others that have come back two and three times and Council lets it go, and has tabled some tonight, and they will be back again in six months to a year. He said Council is responsible for some of the taking so long.

Shanklin said two years ago, staff worked diligently and he thought there was the ordinance in place to really clean up Old Town North, but we cannot do it because of the State Statute. He said if a property is secured, you cannot make the owner tear it down, and asked Vincent if that was correct. Vincent said if the exterior of the property is in such a dilapidated condition that it cannot be structurally secured, we can tear it down. Vincent said if the property is structurally sound and the repairs cost less than 50%, we cannot order it be torn down.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shanklin, to accept Resolution No. 99-81 authorizing expenditure of CDBG funds to demolish the structure. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-81

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Airport Addition, Block 16, Lots 1 and 2, Comanche County. Title Holders: Judy Cook; Mortgage Holders: Transamerica Financial Services.

13) 806 and 806-1/2 SW 15th Street

Tucker presented video of the property. He said there are two dilapidated structures. A permit was issued to the owner in October 1997 after he was told it would be brought to Council so the owner requested a permit to remodel. The permit expired and nothing has been done with it since. It is secure but there is severe damage and deterioration to the structure.

Warren asked if Council had ever seen this property before and granted an extension or was this all in-house so far. Tucker said to his knowledge it has not been before Council for condemnation.

Smith asked when the remodeling permit was issued and Tucker said October 10, 1997. Smith asked if anything was done to the property since then and Tucker said no.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shanklin, to accept Resolution No. 99-82 authorizing expenditures of CDBG funds to demolish this structure. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-82

A resolution determining certain structures to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Waldman Addition, Block 16 S1/2 of Lot 8, Comanche County. Title Holders: Charles R. Sartain; Mortgage Holders: United Companies Life Insurance.

14) 1302 NW 21st Street

Tucker presented video of the property and stated this property had been before the Council previously and had been condemned. This is a two-story structure. It was brought back at a later Council meeting and the owners, Larry and Judy Banks, stated it was in negotiations for purchase and development and that if it was not developed and purchased that the agreement called for them to destroy the building and clear the land. This property is currently vacant, open and unsecured and shows evidence of people using the building.

Williams asked why this would come forward and the house next door that is in the same shape has not come forward. Tucker said the house next door is currently secure.

Warren said this one is the result of Council action and this is what happens 85% of the time when Council allows additional time or extends deadlines.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Smith, to approve Resolution No. 99-83. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-83

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit and welfare of the community, and ordering that the building be demolished and removed.

Legal Description: Thompson Subdivision, Pt of Lot 2, E/2 of S/2 of N/2 of Lot 3, Comanche County. Title Holders: Lawrence E. Banks, Trustee, Margery Banks Trust FBO, Lawrence Banks, Jr.; Mortgage Holders: None.

Williams said there is frustration regarding this process and staff has been asked to make improvements. He said some of the properties were granted extensions by Council but that a better way of doing this should be found, especially for properties that sell at an auction and the buyer is not aware of the condemnation.

Baker said a special Council meeting is planned for July 15 to start discussions of the CIP. The City's consultant, CH2M Hill, will be at that meeting to provide a briefing on the water study, which will be an important part of the capital improvements program. Staff will meet with the consultant on July 7 to review the information and a packet is being assembled which Council should receive a week before July 15 to allow time for review. Council agreed to the meeting.

Shanklin said the Engineer Selection Committee should be involved since it selected the consultant and provided the guidelines. Baker said the committee could participate with the staff meeting with the consultant if so desired. Purcell suggested the State delegation be invited to the July 15 meeting as a courtesy, as they also have been waiting for the report.

Mayor Powell congratulated Dan Tucker and his wife on their 40th anniversary today.

Mayor Powell named the following persons to the Committee on Emergency Management: Warren, Chairman; Haywood, Doug Wells, Bob Dismuke, Jerry Thorne and Danny Vardeman and that each one should receive a letter tomorrow.

Shanklin said the other night he made a remark that he did not want to hear an individual speak because what he was going to talk about was not pertinent to the item that was on the agenda. He said this past weekend he was in his area still telling people that Shanklin wanted to rezone Fort Sill Boulevard to C-5, and that he did not understand that but the man was there Saturday. Shanklin said he did not know how to address that but that he was not trying to rezone Fort Sill Boulevard to C-5.

Beller said he heard discussion also from a number of people about participation by people who come to the Council meetings and how much more accessible the Council is today than it has been in the past, and the Mayor should be commended for that. He said there had been times when people were in the audience and were not heard and that when someone comes to address Council, they should certainly be afforded at least a minute or two to present their concern, and that the Council, in the last couple of years, has done a good job of listening to people. Mayor Powell said he appreciated that comment, and with Council's blessing, he would like to keep that procedure wide open and let the people speak because it is their City and their government.

2. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the various pending civil suits between Steve Wilson and the City of Lawton in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Williams, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:10 p.m. and reconvened in special, open session at 7:30 p.m. with roll call reflecting all members present.

Vincent reported the Mayor and Council met in executive session to discuss the various pending civil suits between Steve Wilson and the City of Lawton. He recommended, based on Judge Moore's ruling, that his office be allowed and authorized

to file an appeal of that ruling prior to July 7, 1999, with the Oklahoma Supreme Court.

MOVED by Warren, SECOND by Smith, that the City Attorney's office be allowed and authorized to file an appeal of the ruling prior to July 7, 1999, with the Oklahoma Supreme Court. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

Mayor Powell wished everyone a happy and safe Fourth of July.

There being no further business, the meeting adjourned upon motion, second and roll call vote at 7:31 p.m.